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KT photo | **Tim Bath**

# **House of Burgess: Kaepernick charges collusion**

## **QB demands arbitration after apparent blackballing**

**By Rob Burgess**  
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It is utterly obscene that former San Francisco 49ers quarterback Colin Kaepernick doesn't have a job in the National Football League today.

As I wrote in my Aug. 31, 2016 column, "Kaepernick follows Ali, Smith, Carlos," starting with last season's preseason games, Kaepernick quietly refused to stand for the playing of "The Star-Spangled Banner" in order to call attention to police brutality. And, as I wrote in my Sept. 27 column,

“Remember why Kaepernick knelt to anthem,” President Donald Trump called any player who dared to follow suit a “son of a [expletive]” during his Sept. 22 campaign rally for Senate candidate Luther Strange in Huntsville, Alabama.

The following Sunday, hundreds of players, many coaches and even several owners either locked arms, knelt or refused to leave the locker rooms.

Since then, Trump has continued, repeating on Twitter and elsewhere the NFL and team owners should institute rules requiring players to stand. Trump even ordered Vice President Mike Pence to fly from Las Vegas to Indianapolis at public expense for the Oct. 8 Colts vs. 49ers game just so he could be seen conspicuously storming out after several players knelt. Still, the protests have continued. At first, the NFL refused to comply with Trump’s requests. That may be changing, though.

“Like many of our fans, we believe that everyone should stand for the national anthem,” wrote Roger Goddell, NFL commissioner, in an Oct. 10 letter. “It is an important moment in our game. We want to honor our flag and our country, and our fans expect that of us. We also care deeply about our players and respect their opinions and concerns about critical social issues. The controversy over the anthem is a barrier to having honest conversations and making real progress on the underlying issues. We need to move past this controversy, and we want to do that together with our players.”

The following day, Goddell added there was no policy change requiring players to stand, but players and owners would revisit the issue in a meeting Tuesday in New York. In the meantime, though, at least one owner, Jerry Jones of the Dallas Cowboys, has taken things a step further, saying any player of his who kneels will be benched.

Lest it be forgotten, Kaepernick still does not have a job. Understandably, he has had enough.

“Per a source with knowledge of the situation, the final straw came when the [Tennessee] Titans snubbed Kaepernick after the hamstring injury suffered two weeks ago by starter Marcus Mariota,” reported NBC Sports’ Mike Florio on Monday. “Kaepernick drew some interest from the Seahawks, and the [Baltimore] Ravens considered signing him, briefly. He otherwise has been ignored since becoming a free agent in March.”

Kaepernick, and his attorney Mark Geragos, filed a demand for arbitration Sunday.

“During the 2017 NFL season and continuing to the present, the NFL, by and through all NFL team owners, NFL employees and team employees, have entered into and enforced, implied and/or express agreements to specifically deprive Kaepernick from employment in the NFL, as well as from practicing with and/or trying out for NFL teams for which Kaepernick is eminently qualified,” reads the demand. “Respondents NFL and NFL

team owners have colluded to deprive Kaepernick of employment rights in retaliation for Kaepernick's leadership and advocacy for equality and social justice and his bringing awareness to peculiar institutions still undermining racial equality in the United States. Further, respondents have retaliated against Kaepernick in response to coercion and calculated coordination from the Executive Branch of the United States government."

It's so far unclear how the NFL will ultimately rule on the larger question. His collusion charge has plenty of circumstantial evidence on its side, but it won't be until the discovery phase that we will know how provable such a case would be. If the league did conspire to make an example of him, they failed miserably. Whatever the outcome, it's pointless to continue this apparent blackballing. Movements are larger than one man.

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